

AMENDED IN ASSEMBLY APRIL 28, 2005

AMENDED IN ASSEMBLY APRIL 21, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 672

Introduced by Assembly Member Klehs

February 17, 2005

An act to add Sections 115827 and 115828 to the Health and Safety Code, relating to reservoirs.

LEGISLATIVE COUNSEL'S DIGEST

AB 672, as amended, Klehs. Reservoirs with water intended for domestic use: recreational use and environmental management activities.

Existing law prohibits the recreational use of reservoirs where water is stored for domestic use to include recreation in which there is bodily contact with the water by a participant. The law exempts certain reservoirs from this prohibition and sets forth certain conditions and restrictions to ensure water purity.

This bill would, with certain exceptions, exclude certain recreational activity from the prohibition against bodily contact with the water in a reservoir, owned by a governmental entity, containing water intended for domestic use, including, but not limited to, shoreline fishing and trail access in areas adjacent to the reservoir and the use of nonmotorized boats.

Existing law requires a water supply reservoir of a public agency to be open for recreational use, subject to the regulation of the State Department of Health Services.

This bill would, *with certain exceptions*, require a ~~public agency~~ *governmental entity* that owns a water supply reservoir with a capacity

of ~~2,500~~ 3,500 acre-feet or more, commencing January 1, 2008, and every 10 years thereafter, to adopt a watershed or recreation master plan or equivalent resources planning document, setting forth the recreational and environmental management activities permitted to occur on or adjacent to the reservoir and surrounding watershed lands. The bill would set forth the required contents of the watershed or recreation master plan or equivalent resources planning document. This bill would also impose various requirements on ~~public agencies~~ *governmental entities* in connection with the creation of the ~~public agency's~~ plan, including requiring public hearings to be held prior to the adoption of the plan, and requiring the appointment of a community advisory committee to advise the ~~public agency entity~~ regarding the plan's provisions. This bill would extend the date for initial compliance with the bill to January 1, 2011, for a ~~public agency entity~~ that has a watershed or recreation master plan or equivalent resources planning document adopted after January 1, 1996.

By increasing the duties of local agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 115827 is added to the Health and
2 Safety Code, to read:
3 115827. (a) Notwithstanding any provision of law to the
4 contrary, for a reservoir owned by a governmental entity, this
5 article does not prohibit either of the following recreational
6 activities:
7 (1) Trail access in the areas adjacent to the reservoir.
8 (2) Shoreline fishing, or the use of nonmotorized boats, *as*
9 *determined by the entity as part of the policy determinations*
10 *made by the entity in adopting its plan pursuant to Section*
11 *115828.*

(b) Subdivision (a) does not apply to any of the following:

(1) A reservoir that is owned and operated by a local flood control agency.

(2) A reservoir that is an online reservoir.

(3) A reservoir that ~~is an unfiltered water reservoir~~ *contains water that is not filtered prior to use by consumers.*

(4) A reservoir that has a capacity ~~of 2,500 acre-feet or less~~ *less than 3,500 acre-feet.*

(5) A reservoir that operates as a forebay for pumping facilities or treatment plants ~~causing substantial elevation fluctuations~~ *that cause substantial fluctuation in reservoir levels.*

(6) A reservoir that is owned and operated by a private company rather than a public agency.

(c) This section does not require the governmental entity that owns the reservoir to install boat ramps or docks.

(d) A governmental entity that has adopted a plan pursuant to Section 11528 and that owns and operates multiple reservoirs within a single watershed or within close proximity of each other shall be deemed to be in compliance with this section if recreational activities permitted pursuant to subdivision (a) are made available by the public agency within that watershed or proximate area under the governmental entity's control.

SEC. 2. Section 115828 is added to the Welfare and Institutions Code, to read:

115828. (a) Except as provided in subdivision (g), by January 1, 2008, and every 10 years thereafter, a ~~public agency~~ *governmental entity that is subject to subdivision (a) of Section 115827* that owns a water supply reservoir with a capacity of ~~2,500~~ 3,500 acre-feet or more, shall adopt a watershed or recreation master plan or equivalent resources planning document that sets forth the full range of recreational and environmental management activities that will be permitted to occur on or adjacent to the reservoir and surrounding watershed lands that are owned by that ~~public agency~~ *governmental entity*.

(b) Every watershed or recreation master plan or equivalent resources planning document shall, at a minimum, do all of the following:

(1) Identify the terms and conditions under which trail access, fishing, boating, as well as the other recreational activities, will be allowed within the watershed.

1 (2) Balance the recreational activities and uses and the need to
2 protect drinking water quality and public health and safety within
3 the watershed.

4 (3) Identify the appropriate land management practices that
5 should be carried out to protect and maintain the environmental
6 values of the watershed.

7 (4) ~~Ensure~~ *Protect* drinking water quality.

8 (5) ~~Ensure the long-term protection of the natural, cultural,~~
9 ~~and historic resources of the watershed.~~

10 (6) ~~Respect the natural, cultural, and historic resources of the~~
11 ~~watershed on a long-term basis.~~

12 (7) ~~Exercise financial responsibility and minimize the costs to~~
13 ~~ratepayers.~~

14 (8) ~~Only limit recreational activity set forth in subdivision (a)~~
15 ~~after making a finding that the activity would pose a threat to the~~
16 ~~health and safety of the public or to the surrounding watershed.~~

17 (5) *Protect plants and wildlife, including, but not limited to,*
18 *listed species.*

19 (6) *Address fiscal issues related to the costs of providing*
20 *reservoir access and minimizing costs to ratepayers.*

21 (7) *Protect the public safety.*

22 (c) In creating its plan, a ~~public agency~~ *governmental entity*
23 may require payment of an access fee.

24 (d) ~~In creating its plan, a public agency may require that the~~
25 ~~reservoir and adjacent areas be closed to recreational access for a~~
26 ~~period of three months per calendar year to protect the~~
27 ~~environment from intrusions.~~

28 (d) *In adopting its plan, the governmental entity may require*
29 *seasonal closures of reservoir access that are necessary to*
30 *mitigate any significant environmental impacts associated with*
31 *recreational use.*

32 (e) A ~~public agency~~ *subject governmental entity* *required to*
33 *adopt a plan pursuant to this section* shall conduct extensive
34 public hearings to receive public input prior to adopting its
35 watershed or recreation master plan or equivalent resources
36 planning document.

37 (f) A ~~public agency~~ *subject governmental entity* *required to*
38 *adopt a plan pursuant to this section* shall appoint a community
39 advisory committee, consisting of a diverse range of stakeholder
40 interests, to advise it regarding the contents of its watershed or

1 recreation master plan or equivalent resources planning
2 document. The community advisory committee shall make its
3 recommendations to the board of directors of the ~~public agency~~
4 *governmental entity* regarding the provisions of the draft
5 watershed or recreation master plan or equivalent resources
6 planning document no later than December 31, 2006.

7 (g) For a ~~public agency~~ *governmental entity required to adopt*
8 *a plan pursuant to this section* that has a watershed master plan
9 or equivalent resources planning document that was adopted after
10 January 1, 1996, a new watershed or recreation master plan or
11 equivalent resources planning document shall not be required
12 until December 31, 2011, and a subsequent watershed or
13 recreation master plan or equivalent resources planning
14 document shall be adopted every 10 years thereafter.

15 (h) *A governmental entity that is required to adopt a plan*
16 *pursuant to this section shall make express findings that allowing*
17 *recreational access would not cause adverse impacts upon the*
18 *public health or safety, or upon the environment, including, but*
19 *not limited to, wildlife and habitat.*

20 SEC. 3. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 a local agency or school district has the authority to levy service
23 charges, fees, or assessments sufficient to pay for the program or
24 level of service mandated by this act, within the meaning of
25 Section 17556 of the Government Code.